



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

J&J Reference: **DEP5213USNP**

MMB Docket No. **1671-0285**

Confirmation No. **2398**

In re patent application of: **Ondrla et al.**

Examiner: **Javier G. Blanco**

Application No. **10/748,448**

Group Art Unit: **3738**

Filed: **December 30, 2003**

Title: **Joint Prosthesis with Infinitely Positionable Head**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 19, 2008

(Date of Deposit)

James D. Wood

Name of person mailing Document or Fee

/James D. Wood/

Signature of person mailing Document or Fee

February 19, 2008

Date of Signature

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision set forth in the Official Action mailed September 18, 2007 in which the Examiner finally rejected claims 19 – 37. Applicant respectfully requests a two (2) month extension in which to file a response from December 18, 2007 to February 18, 2008.

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Since the due date for filing this Notice of Appeal fell on Monday, January 18, 2008, which was a federal holiday, this Notice of Appeal is being timely filed on Tuesday, February 19, 2008.

A check for \$970.00 is enclosed to cover the filing fee of a Notice of Appeal as required by 37 CFR § 1.17(b) (\$510.00) and the fee for a Petition for a Two (2) month Extension of Time (\$460.00). Also, please provide any further extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 13-0014, but not to include any payment of issue fees.

Respectfully submitted,

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February 19, 2008
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